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LETTER DATED 18 SEPTEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 16 September 1997 addressed to you by Mr. Mohammed Sa'id Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, indicating that the Iranian Government is making use of the Iraqi civil and military aircraft that were entrusted to it with its agreement in 1991 and urging you to use your good offices with the Iranian Government with a view to securing the return of all these aircraft to Iraq.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative

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Annex

Letter dated 16 September 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I refer to the letter dated 24 April 1992 from the Minister for Foreign Affairs of the Republic of Iraq addressed to your predecessor as Secretary-General, Mr. Boutros Boutros-Ghali, requesting his intervention with the Iranian Government for the return of the Iraqi military and civil aircraft that were entrusted to Iran.

I should like to inform you that the Iranian Government has begun to make use of the Iraqi military and civil aircraft entrusted to it with its agreement in 1991. The Iranian authorities have repainted the 115 military aircraft and integrated them into Iranian air force formations, and the 27 Iraqi civil transport aircraft have been distributed to the Iranian civil aviation company and the transport command of the Iranian air force for use in internal transport operations.

The Government of the Republic of Iraq protests in the strongest terms against the use made by the Iranian Government of property that does not belong to it. It regards this as a grave breach of the most elementary principles and norms of international law, and particularly of the Convention on International Civil Aviation signed at Chicago on 7 December 1944, and it considers that the Iranian Government bears full international responsibility for its unlawful actions. It reserves the right to claim restitution for any damage that may be caused to the military and civil aircraft entrusted to Iran.

In bringing the facts of this matter to your attention, I request you to use your good offices with the Iranian Government to urge the necessity of its returning all of the aircraft entrusted to it by Iraq, stressing that the United Nations has no legal objection to their return, and to call upon it to desist forthwith from taking any measures to make technical or other changes or modifications to the aircraft and to refrain from using them for any military, commercial or private purpose.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs